

PATENT
Attorney Docket No. SPRUSON-07033

REMARKS

Claims 1-15 are pending in the instant application. Applicant thanks the Examiner for indicating that Claims 1-12 are allowed, and that Claims 14 and 15 would be allowable if rewritten to be independent of a rejected base claim. A single rejection is at issue:

- * Claim 13 stands rejected under 35 U.S.C. §103(a) as allegedly being unpatentable over Brose in view of Plass and Ishi.

Applicant must respectfully disagree. Nonetheless, Applicant has amended Claim 14 and canceled Claim 13, in order to further the prosecution of the present application and Applicant's business interests, yet without acquiescing to the Examiner's arguments. Applicant reserves the right to prosecute the original, similar, or broader claims in one or more future application(s). These amendments do not introduce new matter and are not intended to narrow the scope of any of the claims within the meaning of *Festo*.¹

The Claims Are Patentable

The Examiner has rejected Claim 13 under 35 U.S.C. §103(a) as allegedly being unpatentable over Brose in view of Plass and Ishi, and has objected to Claims 14 and 15 as allegedly being dependent upon a rejected base claim. Applicant must respectfully disagree. Nonetheless, Applicant has amended Claim 14 and canceled Claim 13, in order to further the prosecution of the present application, without acquiescing to the Examiner's arguments, and while reserving the right to prosecute the original, similar, or broader claims in one or more future application(s). As suggested by the Examiner, Applicant has amended Claim 14 "in independent form including all of the limitations of the base claim and any intervening claims" (Office Action, page 3). Applicant believes that amendment of Claim 15 is not required, and respectfully requests that the objections of Claims 14 and 15 be withdrawn.

¹ *Festo Corp. v. Shoketsu Kinzoku Kogyo Kabushiki Co.*, 535 U.S. 722, 122 S.Ct. 1831, 1838, 62 USPQ2d 1705, 1710 (2002).

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CONCLUSION

Applicant respectfully requests that a timely Notice of Allowance be issued in this case. However, should the Examiner believe that a telephone interview would aid in the prosecution of this application, Applicant encourages the Examiner to call the undersigned collect.

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